

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                   SOUTHERN DIVISION

4                   GARY BRICE McBAY,  
5                   Plaintiff,

6                   VERSUS                   CIVIL ACTION NO: 1:07cv1205LG-RHW

7                   HARRISON COUNTY, MISSISSIPPI,  
8                   by and through its Board of  
9                   Supervisors; HARRISON COUNTY  
10                  SHERIFF, George Payne, in his  
11                  official capacity; CORRECTIONS  
12                  OFFICER MORGAN THOMPSON,  
13                  acting under color of state law,  
14                  Defendants.

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13                   **30(b) (6) DEPOSITION OF HARRISON  
14                  COUNTY SHERIFF'S DEPARTMENT,  
15                  STEPHEN E. CAMPBELL, DESIGNEE**

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16                  Taken at the offices of Dukes, Dukes,  
17                  Keating & Faneca, P.A., 2909 13th  
18                  Street, Sixth Floor, Gulfport,  
19                  Mississippi, on Thursday, October 1,  
20                  2009, beginning at 1:23 p.m.

21                  **APPEARANCES:**

22                  PATRICK R. BUCHANAN, ESQUIRE  
23                  MARK V. WATTS, ESQUIRE  
24                  Brown Buchanan, P.A.  
25                  796 Vieux Marche' Mall, Suite 1  
                     Biloxi, Mississippi 39530  
                     ATTORNEYS FOR PLAINTIFF



1           A. I understand.

2 MR. GEWIN:

3           Mark, let me interrupt you before you go  
4 any further.

5 MR. WATTS:

6           Sure.

7 MR. GEWIN:

8           This is information that Mr. Campbell  
9 provided to us, not today, but fairly recently.  
10 It's three documents. There's an audiotape that  
11 Mr. Campbell brought us. These are from his home.  
12 I believe this is the Seal audiotape from a phone  
13 conversation. And he brought us a DVD that he had  
14 at home, which had music on it.

15 MR. WATTS:

16           Had just music on it?

17 MR. GEWIN:

18           Music.

19 MR. WATTS:

20           Can we go off the record?

21 MR. GEWIN:

22           Sure.

23 MR. WATTS:

24           And is it okay if we can listen to  
25 the --

1 MR. GEWIN:

2 Yeah. I thought y'all might want to do  
3 that.

4 (Off the record.)

5 MR. WATTS:

6 Q. Mr. Campbell, how long did you work for  
7 the Harrison County Sheriff's Department?

8 A. I went to work there the first of  
9 September 2002, and I left -- I got off the  
10 payroll the middle of January 2008.

11 Q. Okay. Why did you leave the sheriff's  
12 department?

13 A. There was a new sheriff in town. I  
14 wasn't invited.

15 Q. So you voluntarily left?

16 A. Yeah. Yeah.

17 Q. Did you talk to the new sheriff and want  
18 to stay or anything?

19 A. No. He and I didn't agree back when he  
20 was with the sheriff's department. We just --  
21 well, anyway, so I just -- I knew I wasn't going  
22 to be there, so I just asked him -- I told him I'd  
23 like to resign. He said okay.

24 Q. He didn't ask you to stay?

25 A. No, no. I knew he wasn't going to ask

1 Q. And once you learned how to create a DVD  
2 from your digital recordings in the booking room,  
3 if there was an investigation and there was a  
4 digital recording of the alleged incident, would  
5 that DVD be put in that file?

6 A. No.

7 Q. Why?

8 A. Because I didn't make a DVD. I put it  
9 on my hard drive.

10 Q. But you knew how to make DVDs, correct?

11 A. Correct.

12 Q. And you just chose not to put them in  
13 the file?

14 A. Some of them I did; some of them I  
15 didn't.

16 Q. What made you choose to or choose not  
17 to? What was the factors involved there?

18 A. Well, the first one I did was Kasey  
19 Alves because, you know, it was -- somebody -- the  
20 Department of Justice got involved in that one, so  
21 I made a copy of that. I made a copy of Jessie  
22 Lee Williams and -- but I saved them in the hard  
23 drive, other ones, and I might have probably -- I  
24 might have made copies of some other ones.

25 Q. When you did an investigation and there

1 A. Yes. I think I was returning his call.

2 Q. And in the conversation we heard, that  
3 was you calling him? You were returning his call?

4 A. Correct.

5 Q. Is that the only time that you've taped  
6 Mr. Seal in a conversation?

7 A. No. The other one, it was mentioned on  
8 that tape. There was a first one when I talked to  
9 him, but I don't know where it's at.

10 Q. Did you tell him that you were taping  
11 him?

12 A. No.

13 Q. Where was that tape kept?

14 A. I kept them.

15 Q. In your office?

16 A. In my office.

17 Q. Okay. And then after you retired, you  
18 took the tapes with you?

19 A. Some of them. Some of them were gone.

20 Q. What do you mean "gone"?

21 A. They were just gone. I don't know where  
22 they are. From when the head -- I mean, the  
23 Department of Justice guys came down -- anyway,  
24 they gave me a target letter, and so the sheriff  
25 had a policy -- he put me on administrative leave.

1 drive?

2 A. Yeah, probably. Usually that's how I  
3 would do it, by the name.

4 Q. If you save something to your hard drive  
5 and somebody made -- is that -- I'm sorry. I'm  
6 messing up. Is the reason you save something to  
7 your hard drive, a video, is because someone made  
8 a complaint and you were doing an investigation?

9 A. Right. Most of the time, sure.

10 Q. And if you did an investigation and  
11 there was a video and you saved it to your hard  
12 drive, would you ever delete those later?

13 A. Would I delete them?

14 Q. Yeah.

15 A. No.

16 Q. Was it a policy of anyone to delete  
17 videos after a certain amount of time?

18 A. No. I kept everything.

19 Q. Would you agree that if you -- if  
20 someone makes a complaint and an investigation is  
21 made and there's a video involved, that that video  
22 should be kept for a certain amount of time?

23 A. And it was. It was kept -- I know it  
24 was kept till I left.

25 Q. What's the standard amount of time a

1 video is kept?

2 A. I kept them forever. If I was still  
3 there, I'd still have them. But this happened --  
4 with Seal, that was 2005, and I left in  
5 January 2008. And as far as I knew, it was still  
6 there, and there wasn't no lawsuit or anything  
7 filed, so -- I mean, I didn't delete it.

8 Q. And as far as your knowledge of the  
9 system, the hard drive that this video was saved  
10 to, if it was deleted, would someone have to  
11 intentionally delete it?

12 A. It had the Windows program on it. Okay.  
13 And you just save it, saved it to a file like you  
14 do anything else. And I don't think it would just  
15 delete itself.

16 Q. Fair enough. Was it a policy of the  
17 jail, if someone made a complaint and there was a  
18 video about it and an investigation was made, to  
19 keep those videos for a certain amount of time?  
20 Did you institute a policy to keep those videos a  
21 certain amount of time?

22 A. I didn't write a policy. I just kept  
23 them.

24 Q. Did you tell people in the jail that  
25 these things should be kept for a minimum of three